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### SIXTY-FIFTH DAY

(Continued)

(Thursday, May 9, 1985)

### AFTER RECESS

The Senate met at 8:15 o'clock a.m. and was called to order by Senator Blake.

### SENATOR ANNOUNCED PRESENT

Senator Sharp who had previously been recorded as "Absent-excused" was announced "Present".

### LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

The regular order of business having been suspended by provisions of S.R. 8, adopted by the 69th Legislature, the following bills/resolutions were laid before the Senate, read second time, passed to engrossment/third reading, read third time and passed: (Sponsor, vote on Constitutional Three-day Rule and final passage indicated after caption of each bill).

**C.S.S.C.R. 89** (Parmer) Requesting the Texas Department of Human Resources use any available unexpended State funds appropriated to the Department for purposes of administering the Temporary Emergency Food Assistance Program. (vv)

**S.C.R. 90** (Parmer) Requesting the Texas Department of Agriculture be directed to study the feasibility of providing tax incentives that encourage donations to food banks. (vv)

**C.S.S.C.R. 108** (Brown) Granting James and Theresa Jackson permission to sue the State of Texas. (vv)

**C.S.S.C.R. 109** (Brown) Granting Lottie K. and Gregory T. Burk permission to sue the State of Texas. (vv)

**C.S.S.C.R. 110** (Brown) Granting permission to George and Betty Parks to sue the State of Texas. (vv)

**C.S.S.C.R. 111** (Brown) Granting James H. Pogue and Karen H. Pogue permission to sue the State of Texas. (vv)

**S.B. 474** (Parker) Relating to the reporting of occupational diseases to the Texas Department of Health. (30-1) Washington "Nay" (31-0)

**S.B. 660** (Parmer) Relating to certain proceedings affecting the parent-child relationship. (30-1) Washington "Nay" (31-0)

**S.B. 693** (Edwards) Relating to the establishment of a dental care advisory committee by the Texas Health and Human Services Coordinating Council and to the abolition of the Texas Board of Health Dental Advisory Committee. (30-1) Washington "Nay" (31-0)

Senator Edwards offered the following committee amendment to the bill:

Amend **S.B. 693** as follows:

In SECTION 1, Sec. 131.0052(b), insert the following new Subsection (4):

"(4) a representative of a Texas Dental School."

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**C.S.S.B. 699** (Lyon) Relating to regulation of certain iron ore and iron ore gravel mining and reclamation activity. (30-1) Washington "Nay" (31-0)

**S.B. 749** (Parmer) Relating to restraining orders under the Deceptive Trade Practices-Consumer Protection Act. (30-1) Washington "Nay" (31-0)

**S.B. 868** (Mauzy) Relating to the employees covered by a civil service system in certain counties. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 922** (Mauzy) Relating to divulgence of information by persons licensed by the Texas Board of Private Investigators and Private Security Agencies. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 927** (Washington) Relating to assignment pay for fire fighters and police officers serving as bilingual personnel in certain cities. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 957** (Howard) Relating to the regulation of home health agencies. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 960** (Uribe) Relating to certain exceptions applicable to licensure as a fitter or dispenser of hearing aids. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1109** (Krier) Relating to the number of residents a foster care type residential facility may serve without being licensed under the convalescent and nursing home law. (30-1) Washington "Nay" (31-0)

**S.B. 1153** (Uribe) Relating to interest on certain public securities issued by public agencies. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1180** (Barrientos) Relating to establishment and effect of a performing artist's lien. (30-1) Washington "Nay" (31-0)

**S.B. 1257** (McFarland) Relating to the authority of a municipal court judge to issue an arrest warrant for a person in another county. (30-1) Washington "Nay" (31-0)

**S.B. 1277** (Parmer) Relating to the right to appeal certain judgments and sentences of a justice or municipal court. (30-1) Washington "Nay" (31-0)

Senator Parmer offered the following committee amendment to the bill:

Amend **S.B. 1277** as follows:

Amending SECTION 2 by striking the words "or give an appeal bond in the amount stated in the notice" which appear between the words "The defendant shall pay any fine assessed" and the words "before the thirty-first (31st) day".

On motion of Senator Parmer and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 1280** (Mauzy) Relating to civil liabilities of the owner of a sign who fails to remove the sign from the premises of another. (30-1) Washington "Nay" (31-0)

**S.B. 1297** (Montford) Relating to the official court reporters of the county courts at law of Lubbock County; salary of the judges of those courts. (30-1) Washington "Nay" (31-0)

**S.B. 1298** (Montford) Relating to the supplemental compensation of the district judges in Lubbock County. (30-1) Washington "Nay" (31-0)

**S.B. 1302** (Truan) Relating to the liability of the operator of a boat or motor vehicle for litter offenses. (30-1) Washington "Nay" (31-0)

**S.B. 1303** (Truan) Relating to persons who commit certain litter offenses. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1308** (Glasgow) Relating to procedures and practices before a municipal or justice court; authority of justices of the peace and municipal court judges to order incarceration of certain defendants. (30-1) Washington "Nay" (31-0)

**S.B. 1336** (Blake) Relating to the board of directors, administration, operation, and financing of the Montgomery County Hospital District. (30-1) Washington "Nay" (31-0)

Senator Blake offered the following committee amendment to the bill:

**S.B. 1336** is amended by adding new Section 3 and renumbering succeeding sections accordingly.

**SECTION 3.** Section 8, Chapter 258, Acts of the 65th Legislature, Regular Session, 1977, is amended by adding Subsection (d) to read as follows:

Sec. 8 (d) The district shall have the same power and authority as cities and counties under the Certificate of Obligation Act, Chapter 923, Acts of the 62nd Legislature, 1971, as amended (Article 2368a.1, Vernon's Texas Civil Statutes) to issue and sell certificates of obligation for permitted purposes under this act in accordance with the provisions of the Certificate of Obligation Act. Certificates of obligation shall be issued in conformity with and in the manner specified in the Certificate of Obligation Act, as it may be amended from time to time.

On motion of Senator Blake and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 1378** (Sarpalius) Relating to the classification of records in the custody of a county clerk, county recorder, or clerk of a county court. (30-1) Washington "Nay" (31-0)

Senator Sarpalius offered the following committee amendment to the bill:

Amend **S.B. 1378** by striking lines 13-27 on page 2, and line 1 on page 3, and substituting the following:

(b) In addition to the names of the parties, each entry in an index for the appropriate Official Public Record described in Sections 2(b)(1), 2(b)(2) and 2(b)(7) or Section 2(d) [Sections 2(a)(1), 2(a)(2) and 2(a)(7)] shall include: an abbreviated description of the nature of such instrument of writing, legal document, paper or record as shown therein[; including the name of the record in which it would have been recorded under existing laws pertaining to bound volume records and to other records in the Recorder's office]; the [time and] date of filing; the location of the

recorded image or images on microfilm by roll number, or by group number, and image number or numbers, or by other suitable data; and an abbreviated description of the property, if any, or an abbreviated description of a lien or mortgage, if any, or of other reference, if any, to former recorded data, or such additional information as will properly identify each index entry as pertaining to the particular type of record to which the index applies].

On motion of Senator Sarpalius and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 1388** (Sharp) Relating to the regulation and the placement of motor vehicles in motor vehicle storage facilities. (30-1) Washington "Nay" (31-0)

Senator Sharp offered the following committee amendment:

Amend **S.B. 1388** by adding the following after the period following the word "owner" on page 2, line: "This article does not apply to a vehicle storage facility operated by a person licensed pursuant to the Texas Motor Vehicle Commission Code."

On motion of Senator Sharp and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**C.S.S.B. 1391** (Jones) Relating to State Board of Insurance authority to promulgate rates and gather statistical data. (30-1) Washington "Nay" (31-0)

**S.B. 1397** (Blake) Relating to the creation of the County Court at Law of Cherokee County. (30-1) Washington "Nay" (31-0)

**S.B. 1409** (Traeger) Relating to the proof required under the Sales Tax Act to show that items have been exported outside the territorial limits of the United States. (30-1) Washington "Nay" (31-0)

Senator Traeger offered the following committee amendment to the bill:

Amend **S.B. 1409** on page 1, line 14, following the word "lading", add the following: "issued by a licensed and certificated carrier of persons or property."

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.C.R. 9** (Brooks) Encouraging community cancer care facilities to assess current services and projected needs. (vv)

**H.B. 318** (Farabee) Relating to exempting unopposed candidates from filing reports required to be filed within 48 hours of accepting certain contributions. (30-1) Washington "Nay" (31-0)

**H.B. 341** (Parker) Relating to regional administration by certain health-related State agencies. (30-1) Washington "Nay" (31-0)

**H.B. 353** (Krier) Relating to the persons entitled to notice of an appeal from an order refusing, cancelling, or suspending an alcoholic beverage license or permit. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 385** (Howard) Relating to the regulation of going out of business sales. (30-1) Washington "Nay" (31-0)

**H.B. 593** (Brooks) Relating to the regulation of nursing home administrators. (30-1) Washington "Nay" (31-0)

Senator Brooks offered the following committee amendment:

Amend **H.B. 593**, SECTION 3, Sec. 7A(b)(2), on page 4, line 17, by substituting the following:

(2) on a sign prominently displayed in every nursing home regulated by the state in which the words "Administrator Complaints" are in letters no smaller than one inch in height and the name, mailing address, and telephone number of the board are in letters no smaller than one-half inch in height; and

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 597** (Traeger) Relating to certain real estate investments by certain insurers. (30-1) Washington "Nay" (31-0)

**H.B. 665** (Edwards) Relating to validation of certain actions of the Midlothian Water District. (29-2) Mauzy, Washington "Nay" (30-1) Mauzy "Nay"

**H.B. 711** (Whitmire) Relating to the creation of the Probate Court No. 4 of Harris County. (30-1) Washington "Nay" (31-0)

Senator Whitmire offered the following committee amendment to the bill:

Amend **H.B. 711** as follows:

Section 19. EFFECTIVE DATE. delete "February 1, 1987" and insert "September 1, 1985".

On motion of Senator Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 731** (Traeger) Relating to erroneous or wrongful collections of State taxes by retailers and others engaged in business. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 742** (Montford) Relating to the regulation of dentistry. (30-1) Washington "Nay" (31-0)

**H.B. 783** (Krier) Relating to the civil enforcement of various health and safety ordinances of certain cities. (30-1) Washington "Nay" (31-0)

**H.B. 794** (Traeger) Relating to the validation of acts by the county tax assessor-collector in certain counties regarding optional county motor vehicle registration fees. (30-1) Washington "Nay" (31-0)

**H.B. 871** (Harris) Relating to the acquisition, maintenance, and operation of a railroad by certain municipalities and other public agencies. (30-1) Washington "Nay" (31-0)

**H.B. 899** (Henderson) Relating to the notice of changes under certain credit agreements. (30-1) Washington "Nay" (31-0)

**H.B. 927** (Edwards) Relating to authorizing a health care plan and health care fund for school district employees and their dependents. (30-1) Washington "Nay" (31-0)

Senator Edwards offered the following committee amendment to the bill:

Amend **H.B. 927** as follows:

Amend line 18 after "dependent" by striking the word "coverage" and adding: and/or employee coverage.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**C.S.H.B. 1059** (Parmer) Relating to the period for which periodic child support may be ordered. (30-1) Washington "Nay" (31-0)

**H.B. 1110** (Whitmire) Relating to the jurisdiction of the county civil courts at law of Harris County. (30-1) Washington "Nay" (31-0)

**H.B. 1188** (Jones) Relating to forfeiture of remedy for nonpayment of taxes. (30-1) Washington "Nay" (31-0)

**H.B. 1204** (Traeger) Relating to the financing of street construction and improvements by certain cities. (30-1) Washington "Nay" (31-0)

**H.B. 1210** (Henderson) Relating to police departments authorized to take possession of abandoned motor vehicles. (30-1) Washington "Nay" (31-0)

**H.B. 1550** (Barrientos) Relating to the rights of landlords and tenants. (30-1) Washington "Nay" (31-0)

**H.B. 1560** (Santiesteban) Relating to the refunding of bonds by water control and improvement districts. (30-1) Washington "Nay" (31-0)

**H.B. 1686** (Traeger) Relating to the method of computing the percentage of land owned by persons who protest a zoning change. (30-1) Washington "Nay" (31-0)

**H.B. 1697** (Brown) Relating to construction contracts for solid waste disposal projects of the Gulf Coast Waste Disposal Authority. (30-1) Washington "Nay" (31-0)

Senator Brown offered the following committee amendment:

Amend **H.B. 1697** SECTION 1 (b) the third sentence by inserting the words "or hazardous" after the word "solid" and "or hazardous" after the second word "solid". The sentence will then read:

Provided that as to construction contracts for industrial wastewater disposal and solid or hazardous waste disposal projects, where such projects are not being constructed for or to serve a public agency or a local government or where the project is a solid or hazardous waste....

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**C.S.H.B. 1779** (Jones) Relating to authority of certain insurance agents. (30-1) Washington "Nay" (31-0)

**H.B. 1808** (Montford) Relating to unfair competition and unfair practices in the business of insurance. (30-1) Washington "Nay" (31-0)

**H.B. 1865** (McFarland) Relating standards of regulatory review by the Railroad Commission of Texas for proposed gas utility rate reductions agreed to by the parties. (30-1) Washington "Nay" (31-0)

**H.B. 2045** (Jones) Relating to the calculation of net to land for the purpose of appraisal of agricultural land. (30-1) Washington "Nay" (31-0)

**H.B. 2048** (Harris) Relating to certain local sales and use taxes on amusement services. (30-1) Washington "Nay" (31-0)

**H.B. 2216** (Krier) Relating to the authority of cities to establish industrial districts in areas in which the tourist industry is located. (30-1) Washington "Nay" (31-0)

**H.B. 2288** (Farabee) Relating to housing emergencies. (30-1) Washington "Nay" (31-0)

**H.B. 2381** (Edwards) Relating to the creation of the County Court at Law of Henderson County. (30-1) Washington "Nay" (31-0)

**BILLS REMOVED FROM LOCAL AND  
UNCONTESTED BILLS CALENDAR**

<u>Number</u>	<u>Senators Objecting</u>
<b>S.C.R. 91</b>	Parmer, Sims
<b>S.B. 1099</b>	Truan, Blake
<b>C.S.S.B. 1152</b>	Truan, Blake
<b>H.B. 747</b>	Mauzy, Blake

**CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED  
BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

**ADJOURNMENT**

On motion of Senator Mauzy, the Senate at 8:48 o'clock a.m. adjourned until 9:00 o'clock a.m. today.

**SIXTY-SIXTH DAY  
(Thursday, May 9, 1985)**

The Senate met at 9:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

A quorum was announced present.

The Senate Doorkeeper, Jim Morris, offered the invocation as follows:

Heavenly Father, Thou has given us a good day and our prayer this morning is that we will treat it as a gift and use the minutes wisely and unselfishly. Give wisdom, courage and grace to these who assemble today, and in each of us strength in the concept that we are in truth our brother's keeper. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**REPORTS OF STANDING COMMITTEES**

Senator Jones submitted the following report for the Committee on Finance:

**H.B. 1449  
H.B. 2411**

Senator Caperton submitted the following report for the Committee on Criminal Justice:

**C.S.S.B. 61**